

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRANDON SMIETANA, SKYCOIN
GLOBAL FOUNDATION LIMITED, a
Singapore company, and SYMBOLIC
ANALYTICS INC., a Delaware corporation,
Plaintiffs,

v.

BRADFORD STEPHENS, AARON KUNSTMAN,
JOEL WAYNE CUTHRIELL, MORGAN PECK,
CATHERINE BYERLY, ADVANCE MAGAZINE
PUBLISHERS INC. d/b/a THE NEW YORKER,
and UNKNOWN INDIVIDUALS and
COMPANIES,

Defendants.

Civil Action No. 24-cv-08617

Honorable John Robert Blakey

Magistrate Judge: Hon. Keri L. Holleb
Hotaling

DECLARATION OF KATHERINE M. BOLGER

I, Katherine M. Bolger, declare as follows:

I am a partner at the law firm of Davis Wright Tremaine LLP, attorneys for Defendant Advance Magazine Publishers Inc. d/b/a The New Yorker (“Advance” or “*The New Yorker*”), and I submit this declaration support of Defendant’s Opposed Motion to Dismiss the Third Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1406(a), or, in the alternative, to transfer this action to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1404(a). This declaration is based on my personal knowledge, except as otherwise indicated.

1. Annexed hereto as **Exhibit A** is a true and correct copy of a comparison between Plaintiffs’ Second Amended Complaint (Dkt. No. 1-5) and their Third Amended Complaint (Dkt. No. 28).

2. On November 7, 2024, I spoke to Plaintiffs' counsel James Karamanis who informed me that Plaintiff Brandon Smietana presently resides in China.

This declaration was executed on this 2nd day of December, 2024, in New York, NY. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

By: 
Katherine M. Bolger